

REPORT TO COUNCIL



Date: December 3, 2019

To: Council

From: City Manager

Department: Development Planning – Suburban, Rural

Application: DVP19-0139

Owner: Ivan Heidecker and Darla Galloway

Address: 2484 Dubbin Rd

Applicant: Gibson Contracting

Subject: Development Variance Permit

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0139 for Lot A Section 20 Township 23 ODYD Plan 36590, located at 2484 Dubbin Rd, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 12.3.6 (a) – RR3 - Rural Residential 3 Zone – Development Regulations

To vary the maximum site coverage from 30% permitted to 37.56% proposed in accordance with Schedule "A".

Section 12.3.6 (c) – RR3 - Rural Residential 3 Zone – Development Regulations

To vary the minimum front yard from 6.0m permitted to 0.9m proposed in accordance with Schedule "A".

Section 6.6.2 – General Development Regulations – Height and Grade

- a) To vary the maximum height for the lowest floor or walkout basements from 3.6m permitted to 4.57m proposed in accordance with Schedule "A".
- b) To vary the maximum height of the rear building elevation from 12.5m permitted to 13.43m proposed in accordance with Schedule "A".

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To vary the minimum front yard setback, the maximum site coverage, the height for the walkout basement and the height of the rear building elevation on the subject property.

3.0 Development Planning

Staff support the requested variances to reduce the front yard setback from 6.0m to 0.9m, the maximum site coverage from 30% to 37.56% and the height for the walkout basement and rear of the building. The variances allow the construction of a new home, attached garage and the ability to build a pool on the lot while maintaining onsite parking, and limiting the impacts on steep slopes.

Staff typically prefer to see front yard setbacks adhered to in order to maintain the streetscape pattern, allow space for landscaping, and ensure driveway length, each scenario must be considered on its own merits. In this case, staff are favorable to the reduced front yard to protect the steep slopes and potential visual impacts. The property slopes down from the road to the lake, with grades in excess of 45% thru the middle of the property. The elevation of Dubbin Road to the property line drops approximately 2.5m creating a building envelope which is approximately 6m below the elevation of Dubbin Rd.

The current zoning RR3 according to the bylaw allows for site coverage of 30% based on the lot size of 10,000 m². This property is undersized with an area of 1562 m² and therefore create difficulties meeting the maximum site coverage.

The applicant has completed the neighborhood consultation in accordance with Council Policy No. 367 and staff have not fielded any questions or concerns.

4.0 Proposal

4.1 Project Description

The applicant's proposal is to build a new home with attached garage and ability to build a pool on the lot while maintaining the onsite parking and respecting the 15.0m Riparian Management Area (RMA) from the lake. The topography of the subject property presents challenges as the existing grade at the front of the property slopes steeply down towards the rear property line. The new home is proposed to follow the natural grade of the lot in efforts to minimize the affects to the adjacent properties.

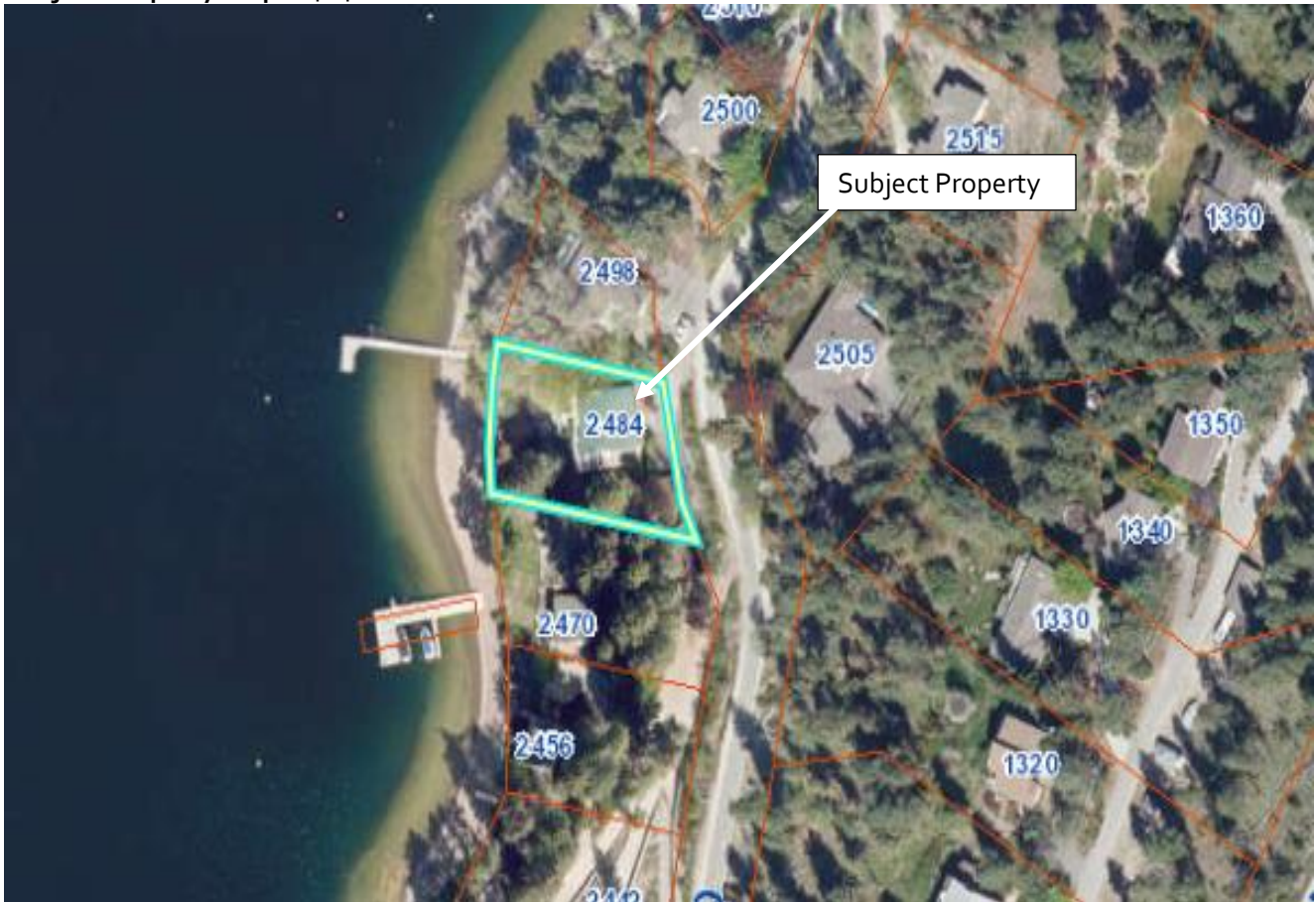
As this site is within the Natural Environment Development Permit Area, the proponent will be required to obtain a Natural Environment Development Permit including a geotechnical assessment prior to commencing construction on this parcel.

4.2 Site Context

The subject property is located on the west side of Dubbin Road in the McKinley sector of Kelowna. The subject property is zoned RR3 with a Future Land Use designation of S2RES.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|---------------------------|---------------------------|
| North | RR3 - Rural Residential 3 | Single Family Residential |
| East | RR3 - Rural Residential 3 | Single Family Residential |
| South | RR3 - Rural Residential 3 | Single Family Residential |
| West | Okanagan Lake | Lake |

Subject Property Map: 2484 Dubbin Rd**4.3 Zoning Analysis Table**

| Zoning Analysis Table | | |
|--|-----------------------------------|----------|
| CRITERIA | RR ₃ ZONE REQUIREMENTS | PROPOSAL |
| Development Regulations | | |
| Front Yard (to a dwelling) | 6.0m | 0.9 m ❶ |
| Side Yard (north) | 2.3m | 2.55m |
| Side Yard (south) | 2.3m | 2.9m |
| Rear Yard | 7.5m | 19.88m |
| Other Regulations | | |
| Maximum Site Coverage | 30% | 37.56% ❷ |
| Maximum Height of w/o basement | 3.6m | 4.57m ❸ |
| Maximum Height of the rear building | 12.5m | 13.43m ❹ |
| ❶ Indicates a requested variance to the front yard setback to a dwelling ❷ Indicates a requested variance to the maximum site coverage ❸ Indicates a requested variance to the maximum height of walkout basement ❹ Indicates a requested variance to the maximum height of the rear building | | |

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Ensure environmentally sustainable development.¹ Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

- Kelowna 2030 OCP (Bylaw 10500) was adopted by City Council on May 30, 2011. The subject property was created in 2006, allowing a parcel with slopes over 30% to be created. City staff would like to see this lot developed in a manner that reduces the impact of grades for adjacent property lines. The proposed grading plan and site plan isolate changes in the existing grade to the south east portion of the property.

Hillside Objectives.² Promote the siting of buildings and designs that are compatible with the steep slope context; Ensure compatibility with existing neighbourhood or streetscape;

- The single storey design along stellar Drive is compatible with single family homes along the north side of Stellar Drive.

Context Considerations.³ Design and locate buildings so the hillside landscape rather than the sky serves as a backdrop;

6.0 Technical Comments

6.1 Development Engineering Department

This application does not compromise any City of Kelowna municipal infrastructure.

6.2 Building & Permitting Department

The wall along property line will be required to be of non-combustible construction with no openings. This may affect the appearance of the structure, but will be addressed at time of building permit plan check

7.0 Application Chronology

Date of Application Received:

June 26, 2019

Date Public Consultation Completed:

August 19, 2019

Report prepared by:

Sergio Sartori, Development Technician

Reviewed by:

Dean Strachan, Community Planning Manager

Approved for Inclusion:

Terry Barton, Planning Department Manager

Attachments:

Draft Development Variance Permit No. DVP19-00139

Schedule "A" - Site Plan

¹ City of Kelowna Official Community Plan, Policy 5.5.12 (Development Process Chapter).

² City of Kelowna Official Community Plan, E (Urban Design Development Permit Areas).

³ City of Kelowna Official Community Plan, Policy 1.5 (Urban Design Development Permit Areas).